

FEB 2 2001

MEMORANDUM

SUBJECT: Revised Orphan Share Compensation Reform Questions and Answers

FROM: Barry Breen, Director / s /
Office of Site Remediation Enforcement

TO: Director, Office of Site Remediation and Restoration, Region I
Director, Emergency and Remedial Response Division, Region II
Director, Hazardous Site Cleanup Division, Region III
Director, Waste Management Division, Region IV
Director, Superfund Division, Regions V, VI, VII, and IX
Assistant Regional Administrator, Office of Ecosystems Protection
and Remediation, Region VIII
Director, Office of Environmental Cleanup, Region X
Director, Office of Environmental Stewardship, Region I
Regional Counsel, Regions II, III, IV, V, VI, VII, IX and X
Assistant Regional Administrator, Office of Enforcement, Compliance and
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This memorandum transmits a set of Revised Orphan Share Compensation Reform Questions and Answers (Qs & As) based on the *Interim Guidance on Orphan Share Compensation for Settlers of Remedial Design/Remedial Action and Non-Time Critical Removals* (Steven A. Herman, June 3, 1996), and the *Addendum to the Interim CERCLA Settlement Policy Issued on December 5, 1984* (Steven A. Herman and Lois J. Schiffer, September 30, 1997). The Revised Qs & As supercede the original set of Qs & As contained in the Orphan Share Implementation Notebook issued in August 1996. The original set of Qs & As addressed implementation issues related to orphan share compensation in the context of RD/RA and NTC removal action negotiations. The Revised Qs & As incorporates the original set with some modifications, based on our experience, and provides new Qs & As summarizing our practice related to orphan share compensation in cost recovery negotiations.

The Revised Qs & As should prove useful to your staff in making orphan share

compensation offers in both work and cost recovery negotiations, and in continuing to make the orphan share compensation reform a success. If your staff has any questions regarding the reform or the Revised Qs & As, the Orphan Share Team in my office is available to assist them. Please direct questions to:

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or to Deniz Ergener (Team Leader) at 202-564-4233 or Nancy Browne (Team Advisor) at 202-564-4219.

Attachment

cc: Bruce Gelber, DOJ
Assistant Chiefs, Environmental Enforcement Section, DOJ
Office of Regional Counsel Superfund Branch Chiefs, Regions I-X
Orphan Share Compensation Reform Workgroup